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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,236	06/26/2003	Venkat Selvamanickam	SPP 18.809	7733
34456 7590 05/01/2007 LARSON NEWMAN ABEL POLANSKY & WHITE, LLP 5914 WEST COURTYARD DRIVE SUITE 200 AUSTIN, TX 78730			EXAMINER KACKAR, RAM N	
			ART UNIT 1763	PAPER NUMBER
			MAIL DATE 05/01/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/609,236

Applicant(s)

SELVAMANICKAM ET AL.

Examiner

Ram N. Kackar

Art Unit

1763

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/5/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,7-11 and 26-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,7-11 and 26-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/5/2007 has been entered.

Claim Objections

2. Claims 29-31 are objected to because of the following informalities: Claims 29 and 31 depend upon cancelled claim 25. For the purpose of this examination they are considered dependent upon claim 26. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 26-31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed

Art Unit: 1763

invention. The newly added limitation "extend open and unfilled to the array of orifices" is new matter.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 2, 7-11 and 26-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lijima et al (2001/0006042) in view of Vaidya et al (US 5076203).**

Lijima et al disclose a process for cooling and positioning a translating substrate (tape like) which could be comprise metal like nickel (Paragraph 59) in a deposition chamber for vacuum deposition (abstract and Fig 3), gas inlet (38), source of deposition material (36), means of delivering the deposition material (ion beam -38), means of translating a substrate (24,25), means of positioning the substrate so that deposition material impinges on the substrate (23) whereas the substrate positioning means contains means to cool the substrate. Lijima et al further teach that the process is used for making a buffer layer of yttrium stabilized zirconia (YSZ) or MgO for a superconducting film (Abstract and paragraph 71) using ion assist (39).

Further Lijma et al teach that FWHM (full width at half maximum) is the measure of biaxial texture (*indicator of crystal orientation- Paragraph 99*) and that it could be minimum at

Art Unit: 1763

an incidence angle of 50-60 degrees (paragraph 16,87 and 99). Further Lijima et al disclose various parameters affecting FWHM and disclose it to be below 10 degrees (Fig 13).

Lijima et al fails to teach that substrate positioning means contains internal gaseous coolant delivery channels and additional liquid coolant channels and specific size of gas orifices.

Vaidya et al disclose a process for cooling and positioning a translating substrate in a deposition chamber for vacuum deposition (Col 1 lines 8-11, Col 2 lines 1-25), gas inlet (Fig 7- Fig 10), means of delivering the deposition material (electron –beam heater (Col 3 line 35), means of translating a substrate (Fig 6-22) from 0-90 meters per min (Abstract), curved means of positioning the substrate so that deposition material impinges on the substrate (23) whereas the substrate positioning means contains internal liquid coolant channels (23a and 23b) and internal gaseous coolant delivery channels (Fig 6-30, Fig 7-Fig10 and Col 6 lines 5-68) which could use oxygen or argon to allow the temperature from 0° C upwards.

As discussed above Vaidya et al disclose the substrate positioning means contains internal liquid coolant channels (23a and 23b) and internal gaseous coolant delivery channels from behind the support either through porous fixed support (Fig 7- Fig10 and Col 6 lines 5-20) or through an enclosed cavity (Fig 7-10 and Col 6 lines 44-68).

Furthermore, Vaidya et al teach that these features could be combined (Col 6 lines 44-68) and teach that the injection holes could be 1.5 mm diameter at 15 mm pitch (Col 4 lines 3-9).

Vaidya et al teach that the gaseous delivery behind the web substrate reduces friction in addition to provide cooling by conduction of heat between the substrate and the cooled support (Col 4 lines 37-55).

Art Unit: 1763

Therefore having gaseous delivery behind the web substrate to reduces friction in addition to provide cooling by conduction and convection means and provision of liquid coolant channels in IBAD apparatus would have been obvious to one of ordinary skill in the art at the time of invention in order to remove the heat from the positioning means and reduce friction to enable higher web speed.

Since the hole diameter and spacing determine the amount of gas and its distribution behind the substrate which affects amount and uniformity of cooling it would have been obvious for one of ordinary skill in the art at the time of invention to replace the porous outlets in the support by spaced holes to distribute sufficient gas behind the tape substrate for optimum heat transfer and reduced friction.

Response to Arguments

Applicant's arguments filed 3/5/2007 have been fully considered but they are not persuasive.

The applicant argues that Vaidya et al fail to disclose gas channels open to the deposition chamber. This is incorrect since gases exit through numerous channels through the porous media.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ram N. Kackar whose telephone number is 571 272 1436. The examiner can normally be reached on M-F 8:00 A.M to 5:P.M.

Art Unit: 1763

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Parviz Hassanzadeh can be reached on 571 272 1435. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ram Kackar

Primary Examiner AU 1763